Case 4:05-cv-00329-GKF-PJC Document 1957-2 Filed in USDC ND/OK on 04/02/2009 Page 1 of 5

Bob Nance

From:

Bob Nance

Sent:

Wednesday, April 01, 2009 2:48 PM

To:

'Theresa Noble Hill'; Trevor.Hammons@oag.ok.gov

Cc:

Bruce W. Freeman; Bruce Jones; William H. Narwold; Bryan Burns; chtuckercourts; Craig Mirkes; cxidis@motleyrice.com; Daniel Lennington; Del Ehrich; Denise Jones; David Page; W. A. Drew Edmondson; David Riggs; Frederick C. Baker; Gary D. Barber; Gregory Mueggenborg; Gordon D. Todd; George W. Owens; John R. Elrod; James M. Graves; Jennifer S. Griffin; Jay Thomas Jorgensen; jtuckercourts; Jinger Waller; KC Tucker; Kelly Hunter Burch; Krisann C. Kleibacker Lee; Kerry R. Lewis; Dale Kenyon Williams, Jr.; Louis W. Bullock; Lee M. Heath; Elizabeth C. Ward; Melissa Collins; Michael D. Graves; Mark D. Hopson; Michael R. Bond; Melissa Keplinger; Nicole M. Longwell; Paula M. Buchwald; Philip D. Hixon; Patrick Ryan; Quynh Sperrazza; Randall E. Rose; Richard Garren; Robert W. George; Robert D. Singletary; Robert P. Redemann; Robert E. Sanders; R. Thomas Lay; Sherry P. Bartley; Sharon Gentry; Stephen L. Jantzen; A. Scott McDaniel; E. Stephen Williams; Sharon Weaver; Terry Coble; thillcourts; J. Trevor Hammons; Todd Walker; Timothy K. Webster; Vicki Bronson

Subject: RE: Notice of Depositions

Thank you. I assume these will be at the AG's office on the 15th and 16th, but that's Trevor's call. If he or the witnesses need to be somewhere else, he will be in touch.

Bob

Robert A. Nance

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From: Theresa Noble Hill [mailto:THill@rhodesokla.com]

Sent: Wednesday, April 01, 2009 2:43 PM
To: Bob Nance; Trevor.Hammons@oag.ok.gov

Cc: Bruce W. Freeman; Bruce Jones; William H. Narwold; Bryan Burns; chtuckercourts; Craig Mirkes; cxidis@motleyrice.com; Daniel Lennington; Del Ehrich; Denise Jones; David Page; W. A. Drew Edmondson; David Riggs; Frederick C. Baker; Gary D. Barber; Gregory Mueggenborg; Gordon D. Todd; George W. Owens; John R. Elrod; James M. Graves; Jennifer S. Griffin; Jay Thomas Jorgensen; jtuckercourts; Jinger Waller; KC Tucker; Kelly Hunter Burch; Krisann C. Kleibacker Lee; Kerry R. Lewis; Dale Kenyon Williams, Jr.; Louis W. Bullock; Lee M. Heath; Elizabeth C. Ward; Melissa Collins; Michael D. Graves; Mark D. Hopson; Michael R. Bond; Melissa Keplinger; Nicole M. Longwell; Paula M. Buchwald; Philip D. Hixon; Patrick Ryan; Quynh Sperrazza; Randall E. Rose; Richard Garren; Robert W. George; Robert D. Singletary; Robert P. Redemann; Robert E. Sanders; R. Thomas Lay; Sherry P. Bartley; Sharon Gentry; Stephen L. Jantzen; A. Scott McDaniel; E. Stephen Williams; Sharon Weaver; Terry Coble; thillcourts; J. Trevor Hammons; Todd Walker; Timothy K. Webster; Vicki Bronson Subject: RE: Notice of Depositions

Yes. Thank you.

----Original Message-----

From: Bob Nance [mailto:rnance@riggsabney.com]

Sent: Wednesday, April 01, 2009 1:42 PM

To: Theresa Noble Hill; Trevor.Hammons@oag.ok.gov

Cc: Bruce W. Freeman; Bruce Jones; William H. Narwold; Bryan Burns; chtuckercourts; Craig Mirkes; cxidis@motleyrice.com; Daniel Lennington; Del Ehrich; Denise Jones; David Page; W. A. Drew Edmondson; David Riggs; Frederick C. Baker; Gary D. Barber; Gregory Mueggenborg; Gordon D. Todd; George W. Owens; John R. Elrod; James M. Graves; Jennifer S. Griffin; Jay Thomas Jorgensen; jtuckercourts; Jinger Waller; KC Tucker; Kelly Hunter Burch; Krisann C. Kleibacker Lee; Kerry R. Lewis; Dale Kenyon Williams, Jr.; Louis W. Bullock; Lee M. Heath; Elizabeth C. Ward; Melissa Collins; Michael D. Graves; Mark D. Hopson; Michael R. Bond; Melissa Keplinger; Nicole M. Longwell; Paula M. Buchwald; Philip D. Hixon; Patrick Ryan; Quynh Sperrazza; Randall E. Rose; Richard Garren; Robert W. George; Robert D. Singletary; Robert P. Redemann; Robert E. Sanders; R. Thomas Lay; Sherry P. Bartley; Sharon Gentry; Stephen L. Jantzen; A. Scott McDaniel; E. Stephen Williams; Sharon Weaver; Terry Coble; thillcourts; J. Trevor Hammons; Todd Walker; Timothy K. Webster; Vicki Bronson

Subject: RE: Notice of Depositions

Theresa, I am responding for Trevor. We propose to present 30(b)(6) witnesses on April 15 & 16 regardless of what you do about the other fact witnesses, reserving the right to seek relief if you persist in wanting their depositions, and the Court extends the discovery cutoff for that purpose. We will revise the witness list to remove the "response cost" subject of testimony for the witnesses you suggest. Will you agree to the 30(b)(6) depositions on the 15th and 16th, rather than the 7th?

Bob

Robert A. Nance

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return this communication to the sender and delete the original message and any copy of it in your possession.

From: Theresa Noble Hill [mailto:THill@rhodesokla.com]

Sent: Wednesday, April 01, 2009 11:50 AM

To: Trevor.Hammons@oag.ok.gov

Cc: Bruce W. Freeman; Bruce Jones; William H. Narwold; Bryan Burns; chtuckercourts; Craig Mirkes; cxidis@motleyrice.com; Daniel Lennington; Del Ehrich; Denise Jones; David Page; W. A. Drew Edmondson; David Riggs; Frederick C. Baker; Gary D. Barber; Gregory Mueggenborg; Gordon D. Todd; George W. Owens; John R. Elrod; James M. Graves; Jennifer S. Griffin; Jay Thomas Jorgensen; jtuckercourts; Jinger Waller; KC Tucker; Kelly Hunter Burch; Krisann C. Kleibacker Lee; Kerry R. Lewis; Dale Kenyon Williams, Jr.; Louis W. Bullock; Lee M. Heath; Elizabeth C. Ward; Melissa Collins; Michael D. Graves; Mark D. Hopson; Michael R. Bond; Melissa Keplinger; Nicole M. Longwell; Paula M. Buchwald; Philip D. Hixon; Patrick Ryan; Quynh Sperrazza; Randall E. Rose; Richard Garren; Bob Nance; Robert W. George; Robert D. Singletary; Robert P. Redemann; Robert E. Sanders; R. Thomas Lay; Sherry P. Bartley; Sharon Gentry; Stephen L. Jantzen; A. Scott McDaniel; E. Stephen Williams; Sharon Weaver; Terry Coble; thillcourts; J. Trevor Hammons; Todd Walker; Timothy K. Webster; Vicki Bronson

Subject: RE: Notice of Depositions

Trevor,

On October 17, 2008, Bruce Jones sent a letter to Richard Garren and David Page requesting that the State supplement its responses to Cargill's discovery requests generally. On March 13, 2009 and March 20, 2009, D. Ehrich referred to some specific examples of Requests for Production and Cargill, Inc. Interrogatory No. 10 that need supplementation. See D. Ehrich's 3/20/09 e-mail to Claire Xidis. Please advise which specific Requests for Production and Interrogatories you are planning on supplementing tomorrow.

We cannot make the determination as to the individual response costs depositions until we have reviewed your discovery responses and completed the 30(b)(6) deposition.

There are a total of 12 witnesses identified to testify about response costs. You have offered to present three of those witnesses pursuant to our 30(b)(6) notice. We completed the deposition of Janet Stewart who the State designated to testify regarding "agency response costs." Ms. Stewart had virtually no substantive information about her testimony concerning agency response costs. Please withdraw the "response costs" description from Ms. Stewart and the other 8 witnesses designated to testify on "response costs." Those eight witnesses are: Teena Gunter; Dan Butler; Philip Moershel; Jim Leach; William Cauthron; Paul Koenig; Julie Chambers; and Tonyieka (Nikki) Cole. Otherwise, we continue to request their individual depositions.

Finally, I am still not clear whether the State's offer to present three witnesses on April 15 and 16 pursuant to our 30(b)(6) notice is contingent upon an agreement that we will not take the individual depositions. Please clarify the State's position on the 30(b)(6) notice. Thank you.

Theresa

-----Original Message-----

From: Trevor.Hammons@oag.ok.gov [mailto:Trevor.Hammons@oag.ok.gov]

Sent: Wednesday, April 01, 2009 10:51 AM

To: Theresa Noble Hill

Cc: Bruce W. Freeman; Bruce Jones; William H. Narwold; Bryan Burns; chtuckercourts; Craig Mirkes; cxidis@motleyrice.com; Daniel Lennington; Del Ehrich; Denise Jones; David Page; W. A. Drew Edmondson; David Riggs; Frederick C. Baker; Gary D. Barber; Gregory Mueggenborg; Gordon D. Todd; George W. Owens; John R. Elrod; James M. Graves; Jennifer S. Griffin; Jay Thomas Jorgensen; jtuckercourts; Jinger Waller; KC Tucker; Kelly Hunter Burch; Krisann C. Kleibacker Lee; Kerry R. Lewis; Dale Kenyon Williams, Jr.; Louis W. Bullock; Lee M. Heath; Elizabeth C. Ward; Melissa Collins; Michael D. Graves; Mark D. Hopson; Michael R. Bond; Melissa Keplinger; Nicole M. Longwell; Paula M. Buchwald; Philip D. Hixon; Patrick Ryan; Quynh Sperrazza; Randall E. Rose; Richard Garren; Bob Nance; Robert W. George; Robert D. Singletary; Robert P. Redemann; Robert E. Sanders; R. Thomas Lay; Sherry P. Bartley; Sharon Gentry; Stephen L. Jantzen; A. Scott McDaniel; E. Stephen Williams; Sharon Weaver; Terry Coble; thillcourts; J. Trevor Hammons; Todd Walker; Timothy K. Webster; Vicki Bronson Subject: RE: Notice of Depositions

Theresa,

We anticipate having our response cost documents supplemented to you tomorrow. We will present the three 30(b)(6) witnesses on April 15th and 16th. I dont understand why you need a 30b6 witness and individual fact witnesses as it is the duty of a 30b6 witness to be prepared. This is a waste of time and resources.

The Fact witnesses that you have noticed are past the discovery deadline anyway. I need to know if you will accept the State's proposal for the 15th and 16th. There is no reason for us to have bother the court with this issue. Please let me know as soon as possible or we will be forced to file a protective order.

Thanks,

Trevor

RE: Notice of Depositions

Theresa Noble Hill

Bob Nance, Trevor. Hammons, Terry Coble

"Quynh Sperrazza", "Bruce W. Freeman", "Bruce Jones", "William H. Narwold", "Bryan Burns", "Chtuckercourts", "Craig Mirkes", cxidis, "Daniel Lennington", "Del Ehrich", "Denise Jones", "D. A. Drew Edmondson", "David Riggs", "Frederick C. Baker", "Gary D. Barber", "Gregory Mueggenborg", "Gordon D. Todd", "George W. Owens", "John R. Ekrod", "James M. Graves", "Jennik Thomas Jorgensen", "Juckercourts", "Jinger Waller", "KC Tucker", "Kelly Hunter Burch", "Krisann C. Kleibacker Lee", "Kerry R. Lewis", "Dale Kenyon Williams, Jr.", "Louis W. Bullock", "Lee "Ežzabeth C. Ward", "Meissa Keplinger", "Nicole M. Longwell", "Paula M. Buchwald", "Philip D. Hixon", "Patrir Sperrazza", "Randall E. Rose", "Richard Garren", "Robert W. George", "Robert D. Singletary", "Robert P. Redemann", "Robert E. Sanders", "R. Thomas Lay", "Sherry P. Bartley", "Sherron C L. Jantzen", "A. Scott McDanier", "E. Stephen Williams", "Sharon Weaver", "thillcourts", "J. Trevor Hammons", "Todd Walker", "Timothy K. Webster", "Vicki Bronson"

Bob,

I look forward to talking to Trevor tomorrow.

We are hopeful that we will receive supplementation to our discovery requests to include information regarding the State's alleged response costs tomorrow as previously requested. See Letter from D. Ehrich attached.

I told Trevor yesterday in person and confirmed in my e-mail that we continue to request the remaining individual depositions. We cannot make the determination regarding the individual witnesses until we receive our discovery responses and complete the 30(b)(6) depositions. Is it the State's position that it will not proceed with the Rule 30(b)(6) deposition on response costs unless we agree in advance that we will not to take the remaining

Theresa

----Original Message-

From: Bob Nance [mailto:rnance@riggsabney.com]

Sent: Tuesday, March 31, 2009 1:01 PM

To: Theresa Noble Hill; Trevor.Hammons@oag.ok.gov; Terry Coble

Cc: Quynh Sperrazza; Bruce W. Freeman; Bruce Jones; William H. Narwold; Bryan Burns; chtuckercourts; Craig Mirkes; cxidis@motlevrice.com; Daniel Lennington; Del Ehrich: Denise Jones; David Page; W. A. Drew Edmondson; David Riggs; Frederick C. Baker; Gary D. Barber; Gregory Mueggenborg; Gordon D. Todd; George W. Owens; John R. Elrod; James M. Graves; Jennifer S. Griffin; Jay Thomas Jorgensen; jtuckercourts; Jinger Waller; KC Tucker; Kelly Hunter Burch; Krisann C. Kleibacker Lee; Kerry R. Lewis; Dale Kenyon Williams, Jr.; Louis W. Bullock; Lee M. Heath; Elizabeth C. Ward; Melissa Collins; Michael D. Graves; Mark D. Hopson; Michael R. Bond; Melissa Keplinger; Nicole M. Longwell; Paula M. Buchwald; Philip D. Hixon; Patrick Ryan; Quynh Sperrazza; Randall E. Rose; Richard Garren; Robert W. George; Robert D. Singletary; Robert P. Redemann; Robert E. Sanders; R. Thomas Lay; Sherry P. Bartley; Sharon Gentry; Stephen L. Jantzen; A. Scott McDaniel; E. Stephen Williams; Sharon Weaver; thillcourts; J. Trevor Hammons; Todd Walker; Timothy K. Webster; Vicki Bronson

Subject: RE: Notice of Depositions

Theresa, Trevor is in deposition and asked me to convey to you that the State can put up 3 30(b)(6) witnesses on response costs, and proposes to do so on April 15 and 16. We anticipate calling Shannon Phillips, Derek Smithee, and Dan Parrish as the 30(b)(6) witnesses.

These witnesses should be in lieu of the 11 fact witnesses previously noticed by the Defendants.

Trevor will be back in the office tomorrow to discuss this with you.

Bob

Robert A. Nance

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From: Theresa Noble Hill [mailto:THIll@rhodesokla.com] Sent: Monday, March 30, 2009 5:40 PM

To: Trevor.Hammons@oag.ok.gov; Terry Coble

Cc: Quynh Sperrazza; Bruce W. Freeman; Bruce Jones; William H. Narwold; Bryan Burns; chtuckercourts; Craig Mirkes; cxidis@motleyrice.com; Daniel Lennington; Del Ehrich; Denise Jones; David Page; W. A. Drew Edmondson; David Riggs; Frederick C. Baker; Gary D. Barber; Gregory Mueggenborg; Gordon D. Todd; George W. Owens; John R. Elrod; James M. Graves; Jennifer S. Griffin; Jay Thomas Jorgensen; jtuckercourts; Jinger Waller; KC Tucker; Kelly Hunter Burch; Krisann C. Klelbacker Lee; Kerry R. Lewis; Dale Kenyon Williams, Jr.; Louis W. Bullock; Lee M. Heath; Elizabeth C. Ward; Melissa Collins; Michael D. Graves; Mark D. Hopson; Michael R. Bond; Melissa Keplinger; Nicole M. Longwell; Paula M. Buchwald; Philip D. Hixon; Patrick Ryan; Quynh Sperrazza; Randall E. Rose; Richard Garren; Bob Nance; Robert W. George; Robert D. Singletary; Robert P. Redemann; Robert E. Sanders; R. Thomas Lay; Sherry P. Bartley; Sharon Gentry; Stephen L. Jantzen; A. Scott McDaniel; E. Stephen Williams; Sharon Weaver; thillcourts; 1. Trevor Hammons; Todd Walker; Timothy K. Webster; Vicki Bronson **Subject:** RE: Notice of Depositions
Trevor.

The 30(b)(6) deposition on response costs is noticed to commence on April 7, 2009. As we discussed today, please provide us with the identity of your designees and a proposed schedule. If you intend to propose alternative dates, please promptly provide us with such dates for our consideration.

We previously requested the depositions of the individual witness designated to testify regarding response costs. When we heard no response, we had no choice but to move forward and notice the individual depositions. Upon prompt completion of the 30(b)(6) deposition (on or near April 7), we may determine that it is not necessary to depose each individual witness. We cannot make that determination until the completion of the 30(b)(6). So, we renew our request for the depositions of the individual witnesses.

We look forward to your prompt response. Thank you.

Theresa

----Original Message----

From: Trevor.Hammons@oag.ok.gov [mailto:Trevor.Hammons@oag.ok.gov]

Sent: Friday, March 27, 2009 2:22 PM

To: Terry Coble

Cc: Quynh Sperrazza; Bruce W. Freeman; Bruce Jones; William H. Narwold; Bryan Burns; chtuckercourts; Craig Mirkes; cxidis@motleyrice.com; Daniel Lennington; Del Ehrich; Denise Jones; David P. Page; W. A. Drew Edmondson; Melvin David Riggs; Frederick C. Baker; Gary D. Barber; Gregory Mueggenborg; Gordon D. Todd; George W. Owens; John R. Elrod; James M. Graves; Jennifer S. Griffin; Jay Thomas Jorgensen; jtuckercourts; Jinger Waller; KC Tucker; Kelly Hunter Burch; Krisann C. Kleibacker Lee; Kerry R. Lewis; Dale Kenyon Williams, Jr.; Louis W. Bullock; Lee M. Heath; Elizabeth C. Ward; Melissa Collins; Michael D. Graves; Mark D. Hopson; Michael R. Bond; Melissa Keplinger; Nicole M. Longwell; Paula M. Buchwald; Philip D. Hixon; Patrick Ryan; Quynh Sperrazza; Randall E. Rose; Richard T. Garren; rnance@riggsabney.com; Robert W. George; Robert D. Singletary; Robert P. Redemann; Robert E. Sanders; R. Thomas Lay; Sherry P. Bartley; Dorothy Sharon Gentry; Stephen L. Jantzen; A. Scott McDaniel; E. Stephen Williams; Sharon K. Weaver; thillcourts; J. Trevor Hammons; Todd Walker; Timothy K. Webster; Vicki Bronson Subject: Re: Notice of Depositions

For the the 30(b)(6) Notices issued by Cargill regarding response costs only, the State proposes the following:

- 1. Present a 30(b)(6) witness to testify about each agencies seperate response cost.
- 2. This will be 3 or 4 witnesses over a day and half.
- 3. Defendants will withdraw all notices below.
- 4. In any event, the notices are noticed for past the discovery cut-off.

Have a good weekend,

Trevor

Notice of Depositions

Terry Coble

to:

cxidis, rnance

"A. Scott McDaniel", "Bruce Jones", "Bruce W. Freeman", "Bryan Burns", "chtuckercourts", "Craig Mirkes", "Dale Kenyon Williams, Jr.", "Daniel Lennington", "David P. Page", "Denise Jones", "Dorothy Sharon Gentry", "E. Stephen Williams", "Elizabeth C. Ward", "Frederick C. Baker", "Gary Barber", "George W. Owens", "Gordon D. Todd", "Gregon, "J. Trevor Hammons", "James M. Graves", "July Thomas Jorgensen", "Jennifer S. Griffan", "Jinger Waller", "John R. Elrod", "fuckercourts", "KC Tucker", "Kelly Hunter Burch", "Krisann C. Kleibacker Lee," "Lee M. Heath", "Louis W. Bulsock", "Mark D. Hopson", "Meissa Kepfinger", "Meissa Kepfinger", "Meisha Gregor", "Michael D. Graves", "Michael N. Longwell", "Pattick Ryan", "Paula M. Buchwald", "Phisp D. Hixon", "Quynh Sperrazza", "Quynh Sperrazza", "R. Thomas Lay ", "Randall E. Ross", "Richael Robert Allen Nance", "Kobert D. Singletary", "Robert E. Sanders", "Robert M. George", "Sharon K. Weaver", "Sherry P. Bartley", "Stephen L. Jantze "Timothy K. Webster", "Todd Walker", "Vicki Bronson", "W. A. Drew Edmondson", "William H. Narwold"

Please see the attached Notices of Deposition for the following:

Dan Parrish for 4/20/09 @ 9:00 - Riggs Abney's OKC office Teena Gunter for 4/20/09 @ 1:00 - Riggs Abney's OKC office Dan Butler for 4/21/09 @ 9:00 - Riggs Abney's OKC office
Philip Moershel for 4/21/09 @ 1:00 - Riggs Abney's OK office
Jim Leach for 4/22/09 @ 9:00 - Riggs Abney's OKC office
Shanon Philips for 4/22/09 @ 1:00 - Riggs Abney's OKC office
Derek Smithee for 4/23/09 @ 9:00 - Riggs Abney's OKC office
William Cauthron for 4/23/09 @ 1:00 - Riggs Abney's OKC office
Paul Koenig for 4/24/09 @ 9:00 - Riggs Abney's OKC office
Julie Chambers for 4/24/09 @ 1:00 - Riggs Abney's OKC office
Tonyieka (Nikki) Cole for 4/24/09 @ 3:00 - Riggs Abney's OKC office

Terry Coble Legal Assistant to John Tucker Rhodes, Hieronymus, Jones, Tucker & Gable, PLLC 100 West 5th Street Suite 400 Tulsa, OK 74103 (918) 582-1173 (918) 592-3390 Facsimile

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[attachment "William Cauthron.pdf" deleted by Trevor Hammons/OAG] [attachment "Dan Butler.pdf" deleted by Trevor Hammons/OAG] [attachment "Dan Parrish.pdf" deleted by Trevor Hammons/OAG] [attachment "Jim Leach.pdf" deleted by Trevor Hammons/OAG] [attachment "Jim Leach.pdf" deleted by Trevor Hammons/OAG] [attachment "Julie Chambers.pdf" deleted by Trevor Hammons/OAG] [attachment "Paul Koenig.pdf" deleted by Trevor Hammons/OAG] [attachment "Philip Moershel.pdf" deleted by Trevor Hammons/OAG] [attachment "Teena Gunter.pdf" deleted by Trevor Hammons/OAG] [attachment "Tonyeika (Nikki) Cole.pdf" deleted by Trevor Hammons/OAG] [attachment "Zoonyeika (Nikki) Cole.pdf" deleted by Trevor Hammons/OAG] [attachment "Zoonyeika (Nikki) Cole.pdf" deleted by Trevor Hammons/OAG]